



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/CV/25/4447**

**Re: Property at 5C Avon Grove, Penicuik, EH26 8JL (“the Property”)**

**Parties:**

**Lyne Properties, 8 Kirk Park, Edinburgh, EH16 6HZ (“the Applicant”)**

**Mr Cal Brown, 5C Avon Grove, Penicuik, EH26 8JL (“the Respondent”)**

**Tribunal Members:**

**Ms H Forbes (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment should be granted in the sum of £2280.**

**Background**

1. This is a Rule 111 application whereby the Applicant was seeking an order for payment in the sum of £2280 in respect of rent arrears. The Applicant representative lodged a copy of a private residential tenancy agreement between the parties in respect of the Property, which tenancy commenced on 14<sup>th</sup> November 2022 at a monthly rent of £675, rent increase notices, and a rent statement.
2. Service of the application and notification of a Case Management Discussion was made upon the Respondent by Sheriff Officer on 28<sup>th</sup> April 2026.

**The Case Management Discussion**

3. A Case Management Discussion (“CMD”) took place by telephone conference on 27<sup>th</sup> May 2026. Ms Strand represented the Applicant. The Respondent was not in attendance. The start of the CMD was delayed to allow the Respondent to attend. The Respondent did not attend.

4. The Tribunal considered the terms of Rule 29. The Tribunal determined that the requirements of Rule 17(2) had been satisfied, and it was appropriate to proceed with the application in the absence of the Respondent.
5. Ms Strand said the parties have had discussions and the Respondent has made a proposal to set up a payment plan. Ms Strand said she lodged an updated rent statement prior to the CMD. It was her understanding that the Respondent also intended to attend the CMD. The Legal Member explained that she had not been passed any additional emails.
6. Ms Strand said the rent arrears are now £4429.47. The Respondent has made some payment and a further payment was received from the local authority. Ms Strand said the Respondent has secured full-time employment. There was some discussion over whether to continue the application to allow an application to amend the sum sought. A short adjournment was taken to allow Ms Strand to contact the Applicant for instructions.
7. Upon reconvening, Ms Strand said she had been unable to contact the Applicant, and asked the Tribunal to grant an order in the sum originally sought. A further application may be made in due course.

### **Findings in Fact and Law**

8.
  - (i) Parties entered into a private residential tenancy agreement in respect of the Property which commenced on 14<sup>th</sup> November 2022 at a monthly rent of £675.
  - (ii) The rent was increased annually.
  - (iii) Rent lawfully due has not been paid by the Respondent to the Applicant.
  - (iv) The Applicant is entitled to recover rent lawfully due.

### **Reasons for Decision**

9. Rent lawfully due is outstanding. The Applicant is entitled to recover rent lawfully due. No application to amend the sum sought was made.

### **Decision**

10. An order for payment is granted in favour of the Applicant in the sum of £2280.

### **Right of Appeal**

**In terms of Section 46 of the Tribunal (Scotland) Act 2014, a party aggrieved by the decision of the Tribunal may appeal to the Upper Tribunal for Scotland on a**

point of law only. Before an appeal can be made to the Upper Tribunal, the party must first seek permission to appeal from the First-tier Tribunal. That party must seek permission to appeal within 30 days of the date the decision was sent to them.

# Helen Forbes

Legal Member/Chair

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27<sup>th</sup> May 2026  
Date